



AXLEY BRYNELSON, LLP

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KEVIN D. TROST  
(608) 283-6747  
[ktrost@axley.com](mailto:ktrost@axley.com)

April 25, 2018

***Via ECF***

Honorable James D. Peterson  
Chief U.S. District Judge  
United State District Court  
120 N. Henry St., Rm. 320  
Madison, WI 53703

Re: *Cunningham v. Montes, et al.*  
Western District Case No. 16 cv 761  
Our File No. 22331.78257

Dear Judge Peterson:

I am writing to advise the Court that Defendants have received a check from Plaintiff Cunningham in the amount of \$9,134.96. This was the amount of the funds garnished from the Wells Fargo bank account. Defendants no longer request the entry of a judgment for this amount against Plaintiff in conjunction with their pending Motion for Sanctions. However, these funds were only returned after Defendants filed a motion requesting an order for turnover of the funds, after the Court entered an order requiring the return of the funds, and after Defendants had to file the Motion for Sanctions because Plaintiff had not returned the funds by the date ordered by the Court. Under these circumstances, Defendants believe some sanction against Plaintiff is in order. Defendants request the Court grant the Motion for Sanctions and order that Defendants' Answer and Affirmative Defenses (Dkt. 12) be deemed timely filed and cancel the evidentiary hearing scheduled for May 24, 2018.

Sincerely,

AXLEY BRYNELSON, LLP

Kevin D. Trost  
KDT/avr  
cc: Craig Cunningham